

**REMARKS**

Applicant submits this Amendment in reply to the Office Action dated March 29, 2004. As an initial matter, Applicant appreciates the Examiner indicating that claims 16-31, 34 and 38-42 are allowable. Accordingly, Applicant has rewritten objected to claims 34, 38-40, and 42 into independent form to include the subject matter of base claim 32. Accordingly, these claims and claim 41, which depends from claim 40, are allowable.

It should be understood, however, that the rewriting of claims 34, 38-40, and 42 into independent form is not an admission that the base claim and any intervening claims are not patentable. Applicant believes that independent claim 32, prior to amending, was patentable over the cited references. In order to expedite prosecution of this application, however, Applicant has rewritten claims 34, 38-40, and 42 as noted above.

Applicant has also amended claim 32 to further define the claimed invention. The originally-filed specification, claims, abstract, and drawings fully support the subject matter of amended claim 32. For example, support can at least be found at page 6, lines 3-7 of the specification marked "REVISED PAGE," which reads "[i]n intermingling, a blending and interconnection of the individual filaments of a yarn is sought; this can be achieved on the one hand by an angle of introduction of more than 15°, preferably 20° to 60°, especially less than 45°, and on the other hand also with a lower pressure of the treatment air." No new matter has been introduced.

In the Office Action, claims 32 and 33 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,423,859 to Koyfman et al. ("Koyfman"). Claims 35-37 were rejected under 35 U.S.C. §103(a) as unpatentable over Koyfman in view of U.S.

Patent No. 5,964,015 to Sear ("Sear"). Applicant respectfully traverses these rejections and responds to these rejections as set forth in the follow remarks.

Independent claim 32, as amended, recites an apparatus for treating filament yarn including, among other aspects, a compressed medium feed channel "oriented so as to introduce medium into the yarn channel approximately in a direction of yarn travel through the yarn channel" and "disposed at an angle of greater than about 20 degrees and less than about 45 degrees from a direction perpendicular to the direction of yarn travel or to a longitudinal center axis of the yarn channel." Koyfman does not disclose or otherwise suggest at least these aspects of claim 32.

As noted on page 2 of the Office Action, Koyfman discloses that "[a]ir, or other suitable gas, is introduced into the chamber 130 via orifice 131, which may be oriented at angle A from a line perpendicular to the longitudinal path of the threadline. Angle A can be from about 0° to about 15°." (Col. 5, lines 1-5). Accordingly, Koyfman does not disclose or suggest a compressed medium feed channel "disposed at an angle of greater than **about 20 degrees and less than about 45 degrees** from a direction perpendicular to the direction of yarn travel or to a longitudinal center axis of the yarn channel," (emphasis added) as recited in claim 32. Accordingly, claim 32 is allowable over Koyfman and claim 33 is allowable at least due to its dependence from claim 32. At least for this reason, Applicant respectfully requests withdrawal of the §102(b) rejection or claims 32 and 33.

Applicant respectfully traverses the rejection of claims 35-37 under 35 U.S.C. §103(a) as being unpatentable over Koyfman in view of Sear. The Examiner contends that Sear discloses a "baffle/nozzle assembly" at page 2 of the Office Action. Such a

disclosure, however, even if present in Sear, would fail to overcome the above described shortcomings of Koyfman. Claims 35-37, therefore, are allowable at least due to their dependent from claim 32, and Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 35-37 under §103(a). Thus, neither references discloses or suggests all the elements of claim 32. Moreover, there is no suggestion in the references to modify the structure discussed therein to achieve the claimed combination.

Finally, Applicants would like to present objective evidence of the advantages presented by the claimed invention. Applicants submit herewith two color photographs, the first (labeled MIG-003) showing a set of yarn processed without the claimed invention, and the second (labeled MIG-005) showing a set of yarn processed with the claimed invention. While both sets of yarns are substantially free of knots, loops, and false twists, the set of yarn processed with the claimed invention runs more stably than the set of yarn processed without the claimed invention, allowing, for example, smaller separation between yarn runs. These advantages are set forth on page 3, line 31 through page 4, line 9 of the specification labeled REVISED PAGE.

In light of the foregoing, Applicant requests the withdrawal of the outstanding objections and rejections, and the timely allowance of the pending claims 16-42.

The Office Action contains characterizations of the claims and the cited art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicant is in no way intending to limit the

scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

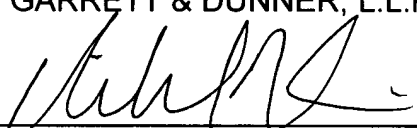
Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

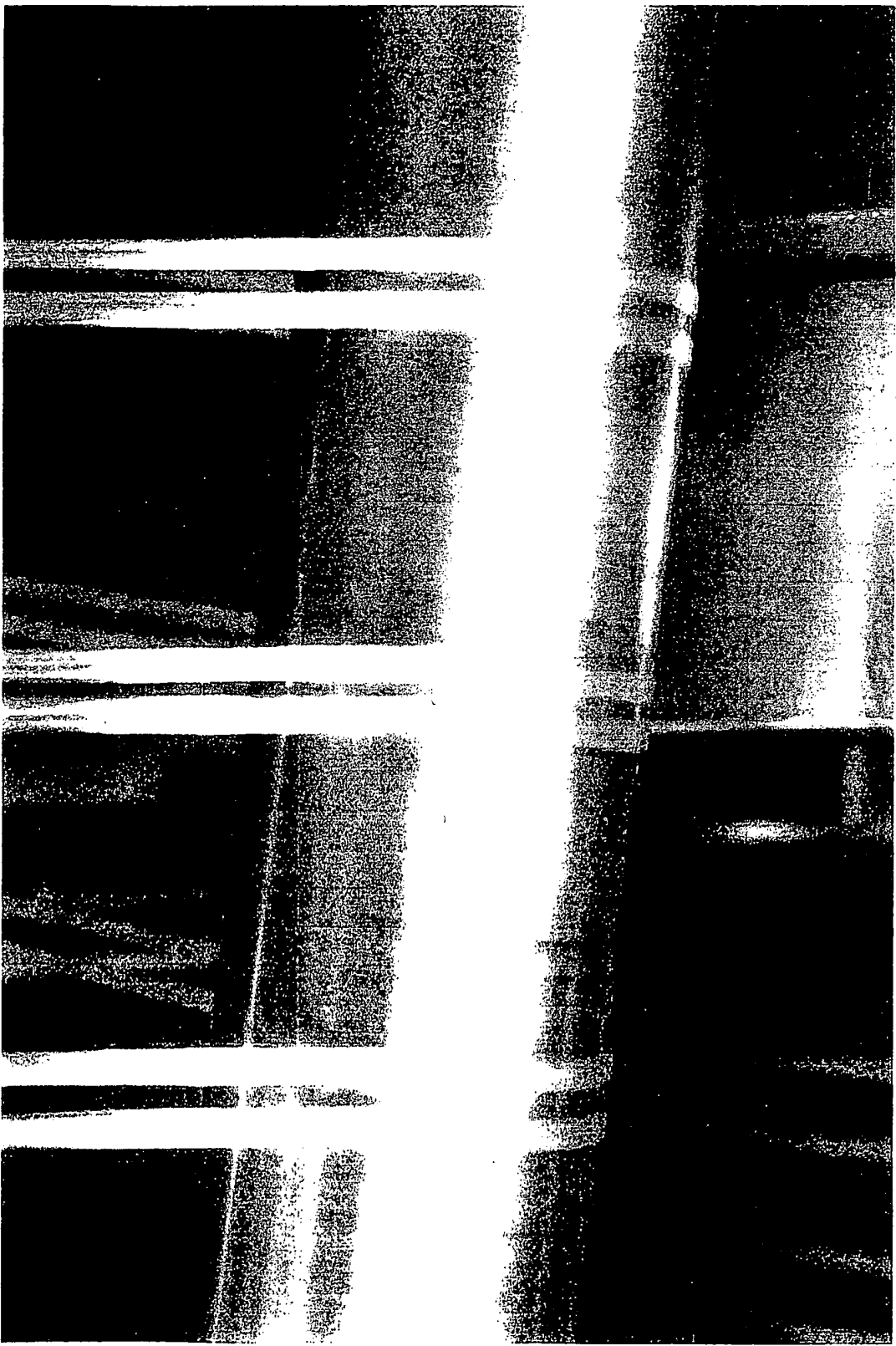
Dated: June 29, 2004

By: \_\_\_\_\_

  
Michael W. Kim  
Reg. No. 51,880

**Attachments:** Color Photograph labeled MIG-003;  
Color Photograph labeled MIG-005.

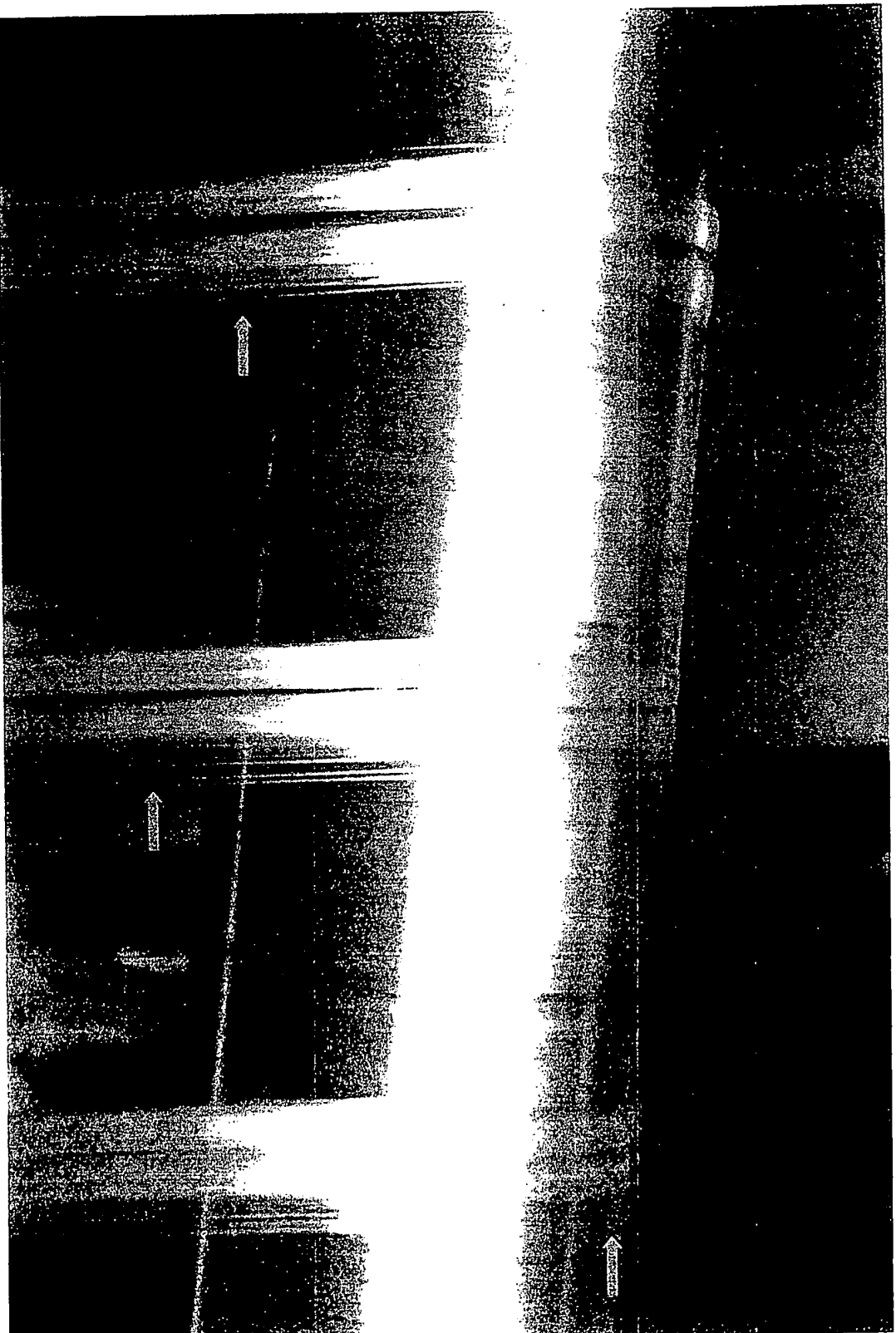
# MIG-005



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- Aufnahme: Momo

- Foto: MIG00515

# MIG-003



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